

# **EXHIBIT B**

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 on Signature Page*

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO VISION**

RICHARD KADREY,  
  
 Plaintiffs,

v.

META PLATFORMS, INC.,  
  
 Defendant.

Lead Case No. 3:23-cv-03417-VC  
 Case No. 4:23-cv-06663

**AMENDED NOTICE OF DEPOSITION  
 PURSUANT TO FED. R. CIV. P. 30(b)(6) TO  
 META PLATFORMS, INC.**

Date: October 31, 2024  
 Time: 9:00 a.m., local time  
 Location: 44 Montgomery Street, 41<sup>st</sup> Floor  
 San Francisco, CA 94104

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that, in accordance with Rule 30(b)(6) of the Federal Rules of Civil Procedure, Meta Platforms, Inc. (“Meta”) is hereby directed to designate one or more officers, directors, managing agents, or other persons who consent to testify and are most knowledgeable and competent to testify regarding the following topics and related or supporting facts occurring between January 1, 2016 and the present (the “Relevant Period”):

1. Meta’s access to, identification of, assembly, processing, and/or curation of datasets to train its Large Language Models, including Meta’s gathering of works, including copyrighted works, from websites for potential use and/or use as data for training, testing, validating, and/or benchmarking, including but not limited to “shadow library” websites like Z-Lib, Library Genesis (“LibGen”), Bibliotik, and Anna’s Archive.
2. Meta’s access, copying, reproduction and/or use of the datasets, including the datasets commonly known as “Books3” (or “b3g”), “The Pile,” “LibGen,” and the “Fair Use Library”; the individuals who accessed or made these copies or reproductions; the storage of these copies or reproductions; the content of these datasets; and Meta’s communications with the creators of and/or individuals who control or maintain these datasets.
3. The Meta LLMs trained on material and/or datasets obtained and/or accessed from public websites, including any material sourced from “Books3,” “The Pile,” and “Library Genesis,” and including how Meta trains subsequent versions of its LLMs using earlier versions, whether Meta may or does remove training data from LLMs, and whether Meta still accesses or otherwise uses these datasets for LLM training purposes, or if not, why it no longer accesses or uses these datasets.
4. Meta’s knowledge that its LLM training datasets included copyrighted material, including any discussions or deliberations regarding the same; any discussions,

1 deliberations, or efforts to mitigate potential copyright infringement relating to  
2 Meta's LLMs; and any steps Meta has taken to train or otherwise program its LLMs  
3 not to output infringing material.

- 4 5. Meta's policies and procedures regarding its adherence to any laws or regulations,  
5 including the EU AI Act, that require transparency around the datasets used to train  
6 AI models, require authorization from rightsholders for the use of the text and data  
7 in training AI models, and require disclosure of the use of any copyrighted  
8 materials to train an AI model.
- 9 6. All internal policies, including approval policies, relating to Meta's access and/or  
10 use of datasets, including the "Books3," "The Pile," and "LibGen" datasets, for any  
11 purpose relating to the development of Meta's AI technology.
- 12 7. The origin and contents of the datasets Meta has produced in this case, labeled  
13 Meta\_Kadrey\_Data\_001, Meta\_Kadrey\_Data\_002, Meta\_Kadrey\_Data\_003,  
14 Meta\_Kadrey\_Data\_004, and Meta\_Kadrey\_Data\_005, including who identified  
15 and compiled each dataset produced, and how each dataset produced has been used  
16 by Meta in training each of its LLMs from Llama 1 through any Llama version  
17 currently in development, including whether Meta accessed, obtained and/or  
18 sourced the datasets at multiple points in time and, if so, when and for what  
19 purpose.
- 20 8. Meta's communications including discussions, deliberations, and negotiations  
21 concerning each and every dataset regardless of the source, type, or potential use  
22 that may or could have been used in training generative AI products (whether or  
23 not related only to Meta products) or for use in any other Meta AI product, other  
24 than generative AI, including but not limited to, all such discussions referenced in  
25 the April 6, 2024 *New York Times* article, "How Tech Giants Cut Corners to  
26 Harvest Data for A.I." or the September 25, 2024 *The Verge* article and interview,  
27 "Why Mark Zuckerberg thinks AR glasses will replace your phone." Some  
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1 examples that are obvious may include actual or potential licensing deals related to  
2 Meta's AI assistant, or actual or potential licensing deals related to Meta's AI  
3 instant video generator, regardless of whether they resulted in actual licensing  
4 deals. This topic includes all communications related to these discussions,  
5 deliberations, negotiations and or attempts by Meta or other generative AI  
6 companies that may have been discussed by Meta that did not result in an executed  
7 licensing agreement with a third party.

- 8 9. Financial information about the Llama models' actual and expected revenue and  
9 profit impacts, including Meta's understanding of the actual and expected financial  
10 impact its AI technology will have on Meta's various commercial product lines,  
11 including Facebook, Instagram, Facebook Reels, and WhatsApp.
- 12 10. The source code provided to Plaintiffs for review, including who compiled the  
13 source code; what the source code consists of; any source code repositories used by  
14 Meta's LLMs not captured by the production to date; the dates the source code was  
15 created; how recently the source code has been updated; what LLM models the  
16 source code covers; how the source code is organized; what models are used within  
17 each version of Llama and what each of these models do; whether any Llama  
18 model uses or incorporates different tools, including for web research, and if so,  
19 what these tools do; differentiations between the model production system on the  
20 web versus what Meta has shared in its public repositories; source code pertaining  
21 to Meta's efforts to train its models to identify copyrighted material; whether there  
22 are any pull requests or commits from certain date ranges that are not included in  
23 the source code; whether the source code produced to date includes or omits  
24 production or application code; and any of the issues raised in the October 4, 2024  
25 Declaration of Dr. Jonathan Krein.
- 26 11. Meta's process for identifying and collecting documents in response to Plaintiffs'  
27 RFPs, including data sources reviewed, non-custodial files reviewed, search terms  
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1 used, date ranges applied, metadata collection and capabilities concerning what  
2 metadata may be collected, and Meta's policies and practices relating to labeling  
3 internal documents "attorney-client privileged" or the equivalent.

4 12. The factual bases and any other supporting analysis for Meta's October 30, 2023  
5 submission to the U.S. Copyright Office contending that its use of copyrighted  
6 material to train its LLMs is either non-infringing or otherwise constitutes "fair  
7 use."

8 13. Meta's current or future intention to carry out the guidance from Meta's CEO, Mark  
9 Zuckerberg, that if content creators do not want their content used to train Meta's  
10 LLMs, then Meta will stop training its LLMs on their content. This topic includes  
11 the means and methods by which Meta would stop training its LLMs on certain  
12 creators' content, how creators would opt-out, as well as any analysis Meta has  
13 done regarding the effects an opt-out system would have on its LLMs, including  
14 their efficacy.  
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Dated: October 8, 2024

By: /s/ David L. Simons

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22 *Plaintiffs and the Proposed Class*  
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**CERTIFICATE OF SERVICE**

I, the undersigned, am employed by Boies Schiller Flexner LLP. My business address is 55 Hudson Yards, New York, NY 10001. I am over the age of eighteen and not a party to this action.

On October 8, 2024, I caused the following documents to be served by email upon the parties listed on the attached Service List:

**AMENDED NOTICE OF DEPOSITION PURSUANT TO FED. R. CIV. P.  
30(b)(6) TO META PLATFORMS, INC.**

I declare under penalty of perjury that the foregoing is true and correct. Executed September 16, 2024, at New York, New York.

By: /s/ David L. Simons

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